

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

CONSTITUTION PIPELINE
COMPANY, LLC

Plaintiff,

V.

A PERMANENT EASEMENT FOR 0.37
ACRES AND TEMPORARY EASEMENTS
FOR 0.55 ACRES, IN DAVENPORT,
DELAWARE COUNTY, NEW YORK, TAX
PARCEL NUMBER 32.-1-34.2,
GEORGE M. SYDLAR, et al.

Defendants.

CIVIL ACTION

Case No. 3:14-cv-02108-NAM-RFT

Electronically Filed

ORDER

AND NOW, this 14th day of March, 2015, upon consideration of Plaintiff's Omnibus Motion for Preliminary Injunction for Possession of Rights of Way by February 16, 2015 Pursuant to the Natural Gas Act and Federal Rules of Civil Procedure 71.1 and 65, and the documents and arguments submitted in reference thereto, the Motion is hereby GRANTED and:

(a) Upon filing the bond required below, beginning February 16, 2015, Plaintiff Constitution Pipeline Company, LLC (“Constitution”) is granted access to, possession of and entry to the following Rights of Way:

1. A permanent right of way and easement, containing 0.37 acres, as described as “Area of Permanent Right of Way” in Exhibit A attached hereto, for the purpose of constructing, operating, maintaining, altering, repairing, changing the size of, replacing and removing a pipeline and all related equipment and appurtenances thereto (including but not limited to meters, fittings, tie-overs, valves, cathodic protection equipment and launchers and receivers) for the transportation of natural gas, or its byproducts, and other substances as approved by the Federal Energy Regulatory Commission pursuant to the Natural Gas Act and the Order of

the Federal Energy Regulatory Commission dated December 2, 2014, Docket Nos. CP13-499-000 and CP13-502-000, 149 FERC ¶ 61,199 (2014); together with all rights and benefits necessary or convenient for the full enjoyment or use of the right of way and easement. Defendants shall have a right of ingress and egress across the permanent right of way, but Defendants shall not build any permanent structures on said permanent right of way or any part thereof, shall not change the grade of said permanent right of way, or any part thereof, shall not plant trees on said permanent right of way, or any part thereof, or use said permanent right of way or any part thereof for a road, or use said permanent right of way or any part thereof in such a way as to interfere with Plaintiff's immediate and unimpeded access to said permanent right of way, or otherwise interfere with Plaintiff's lawful exercise of any of the rights herein granted without first having obtained Plaintiff's approval in writing, and Defendants will not permit others to do any of said acts without first having obtained Plaintiff's approval in writing, except that the landowner may construct a single driveway that crosses the permanent right of way perpendicularly after providing reasonable notice to Plaintiff provided that Defendants do not excavate or change the grade of the permanent right of way during construction of said driveway. Plaintiff shall have the right to cut the driveway if necessary to access the pipeline, but will restore the driveway to its original condition. Within the permanent right of way, Plaintiff shall also have the right from time to time at no additional cost to Defendants to cut and remove all trees including trees considered as a growing crop, all undergrowth and any other obstructions that may injure, endanger or interfere with the construction and use of said pipeline and all related equipment and appurtenances thereto.

2. Temporary easements of 0.55 acres, as described as "Area of Temporary Workspace" and "Area of Additional Temporary Workspace" in Exhibit A attached hereto, for use during the pipeline construction and restoration period only for the purpose of ingress, egress and regress and to enter upon, clear off and use for construction and all activities required by the Order of the Federal Energy Regulatory Commission dated December 2, 2014, Docket Nos. CP13-499-000 and CP13-502-000, 149 FERC ¶ 61,199 (2014).

(b) Constitution shall post a bond in the amount of \$12,000.00 as security for the payment of just compensation to Defendants.

(c) Constitution shall record this Order in the County Clerk's Office of Delaware County, New York.

IT IS SO ORDERED.


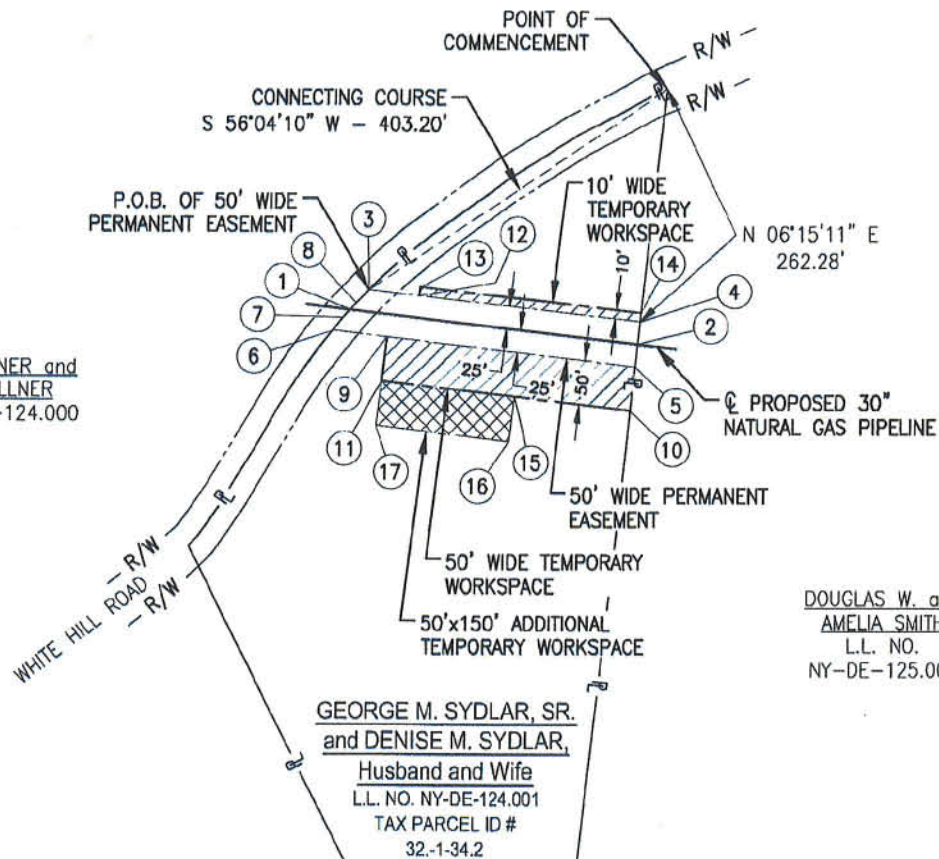

Norman A. Mordue
Senior U.S. District Judge

EXHIBIT A

ROBERT E. GOELLNER and
LILLIAN P. GOELLNER
L.L. NO. NY-DE-124.000



DOUGLAS W. and
AMELIA SMITH
L.L. NO.
NY-DE-125.001

GEORGE M. SYDLAR, SR.
and DENISE M. SYDLAR,
Husband and Wife
L.L. NO. NY-DE-124.001
TAX PARCEL ID #
32.1-34.2

NOTES:

1. BEARINGS SHOWN ARE BASED ON NAD 83, UTM ZONE 18N.
2. LENGTH OF PIPELINE 326.70'
- AREA OF PERMANENT RIGHT OF WAY 0.37 AC.
- AREA OF TEMPORARY WORKSPACE 0.38 AC.
- AREA OF ADDITIONAL TEMPORARY WORKSPACE 0.17 AC.
3. ROADS


WE HAVE NOT DETERMINED THE FEE OWNERSHIP OF THE ROADS SHOWN, AND FOR THE PURPOSES OF THIS EXHIBIT HAVE ASSUMED THAT ADJOINING LANDOWNERS RETAIN AN INTEREST IN THE PROPERTY SUBJECT TO THE RIGHT OF WAY OF ALL ROADS SHOWN OTHER THAN INTERSTATE HIGHWAYS.

THE INFORMATION SHOWN ON THIS DRAWING IS FROM FIELD SURVEY PERFORMED BY CONSTITUTION PIPELINE COMPANY, LLC FOR THE SOLE PURPOSE OF CREATING A RIGHT OF WAY ACQUISITION AND REPRESENTS THE CONDITIONS AS THEY EXIST ON THE GROUND AS OF THE SURVEY.

NYSPLS LIC. NO. 050820
DONALD P. SCHEL
MASER CONSULTING P.A.

DATE: 10/3/14

0 200 400 600
SCALE IN FEET

DRAWING NO. 26-03-70/0001-77		REFERENCE TITLE ALIGNMENT SHEET		CONSTITUTION PIPELINE COMPANY, LLC PROPOSED 30" NATURAL GAS PIPELINE CROSSING PROPERTY OF GEORGE M. SYDLAR, Sr. and DENISE M. SYDLAR, husband & wife TOWN OF DAVENPORT - DELAWARE COUNTY, NEW YORK				 CONSTITUTION PIPELINE		
NO.	DATE	BY	REVISION DESCRIPTION	W.O. NO.	CHK.	APP.	DRAWN BY: GIE	DATE: 11-11-13	ISSUED FOR BID:	SCALE: 1"= 200'
3	07-02-14	GIE	REVISED WS - ISSUED FOR CODEMINATION APPROVAL	1110415			CHECKED BY: MAC	DATE: 11-12-13	ISSUED FOR CONSTRUCTION:	
4	08-05-14	GIE	APPROVED	1110415			APPROVED BY: DPS	DATE: 09-30-14	DRAWING NUMBER: 26-06-85/75.28-1-7	SHEET 1
5	09-22-14	GIE	REVISED - ISSUED FOR CODEMINATION APPROVAL	1110415			WO: 1110415			OF 4
6	09-30-14	GIE	REVISED - ISSUED FOR CODEMINATION APPROVAL	1110415						
7	10-01-14	GIE	APPROVED	1110415						

☐ PROPOSED 30" NATURAL GAS PIPELINE

POINT#	BEARING	DISTANCE
1-2	S 83°21'11" E	326.70'

50' WIDE PERMANENT EASEMENT

POINT#	BEARING	DISTANCE
3-4	S 83°21'11" E	308.04'
4-5	S 06°15'11" W	50.00'
5-6	N 83°21'11" W	343.82'
6-7	N 39°59'12" E	18.50'
7-8	N 41°51'16" E	21.49'
8-3	N 43°43'20" E	21.29'

50' WIDE TEMPORARY WORKSPACE

POINT#	BEARING	DISTANCE
9-5	S 83°21'11" E	281.47'
5-10	S 06°15'11" W	50.00'
10-11	N 83°21'11" W	281.82'
11-9	N 06°38'49" E	50.00'

10' WIDE TEMPORARY WORKSPACE

POINT#	BEARING	DISTANCE
12-13	N 06°38'49" E	10.00'
13-14	S 83°21'11" E	251.24'
14-4	S 06°15'11" W	10.00'
4-12	N 83°21'11" W	251.31'

50'x150' ADDITIONAL TEMPORARY WORKSPACE

POINT#	BEARING	DISTANCE
11-15	S 83°21'11" E	150.00'
15-16	S 06°38'49" W	50.00'
16-17	N 83°21'11" W	150.00'
17-11	N 06°38'49" E	50.00'



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DRAWING NO. 26-03-70/0001-77		REFERENCE TITLE ALIGNMENT SHEET		CONSTITUTION PIPELINE COMPANY, LLC PROPOSED 30" NATURAL GAS PIPELINE CROSSING PROPERTY OF GEORGE M. SYDLAR, Sr. and DENISE M. SYDLAR, husband and wife TOWN OF DAVENPORT - DELAWARE COUNTY, NEW YORK				 CONSTITUTION PIPELINE		
NO.	DATE	BY	REVISION DESCRIPTION	W.O. NO.	CHK.	APP.	DRAWN BY: GIE	DATE: 11-11-13	ISSUED FOR BID:	SCALE: NONE
A	11-11-13	GIE	ISSUED FOR CONDEMNATION APPROVAL	1110415			CHECKED BY: MMC	DATE: 11-12-13	ISSUED FOR CONSTRUCTION:	
5	09-22-14	GIE	REVISED - ISSUED FOR CONDEMNATION APPROVAL	1110415			APPROVED BY: DPS	DATE: 09-30-14	DRAWING NUMBER: 26-06-85/75.28-2-7	SHEET 2
6	09-30-14	GIE	REVISED - ISSUED FOR CONDEMNATION APPROVAL	1110415			WO: 1110415			OF 4
7	10-01-14	GIE	APPROVED	1110415						

DESCRIPTION FOR THE PROPOSED 50' PERMANENT EASEMENT
ACROSS PROPERTY OF

GEORGE M. SYDLAR, SR. and DENISE M. SYDLAR,

husband and wife

TAX PARCEL ID # 32.-1-34.2

DEED BOOK 584, PAGE 496

LOCATED IN TOWN OF DAVENPORT

DELAWARE COUNTY, NEW YORK

Commencing at a point in the West boundary line of the aforementioned property, said point being the North corner and Point of Commencement; thence along a connecting course, S 56°04'10" W a distance of 403.20 feet to a point, said point being the Point of Beginning for the said Proposed 50' Permanent Easement;

Thence, S 83°21'11" E a distance of 308.04 feet to a point in the division line between the lands of Douglas W. and Amelia Smith to the East and lands of George M. Sydlar, Sr., et ux, to the West;

Thence along said division line, S 06°15'11" W a distance of 50.00 feet to a point;

Thence through the lands of George M. Sydlar, Sr., et ux, N 83°21'11" W a distance of 343.82 feet to a point in the said West boundary line;

Thence, N 39°59'12" E a distance of 18.50 feet to a point;


Thence, N 41°51'16" E a distance of 21.49 feet to a point;

Thence, N 43°43'20" E a distance of 21.29 feet to the Point of Beginning containing 0.37 acres.

All this is more fully shown on Drawing No. 26-06-85/75.28-1 thru 4 entitled "Constitution Pipeline Company, LLC - Property of George M. Sydlar, Sr. and Denise M. Sydlar, husband and wife - Located in Town of Davenport, - Delaware County, New York" dated October 01, 2014.

NYSPLS LIC. NO. 050820
DONALD P. SCHEL
MASER CONSULTING P.A.

DATE: 10/3/14

DRAWING NO. 26-03-70/0001-77		ALIGNMENT SHEET		<p>CONSTITUTION PIPELINE COMPANY, LLC PROPOSED 30" NATURAL GAS PIPELINE CROSSING PROPERTY OF GEORGE M. SYDLAR, Sr. and DENISE M. SYDLAR, husband and wife TOWN OF DAVENPORT - DELAWARE COUNTY, NEW YORK</p> 						
NO.	DATE	BY	REVISION DESCRIPTION	W.O. NO.	CHK.	APP.	DRAWN BY: GIE	DATE: 08-13-14	ISSUED FOR BID:	SCALE: NONE
5	09-22-14	GIE	REVISED - ISSUED FOR CONDEMNATION APPROVAL	1110415			CHECKED BY: CL	DATE: 09-12-14	ISSUED FOR CONSTRUCTION:	
6	09-30-14	GIE	REVISED - ISSUED FOR CONDEMNATION APPROVAL	1110415			APPROVED BY: OPS	DATE: 09-30-14	DRAWING NUMBER: 26-06-85/75.28-3-7	SHEET 3
7	10-01-14	GIE	APPROVED	1110415			WO: 1110415			OF 4

DESCRIPTION FOR THE PROPOSED 50' TEMPORARY WORKSPACE

Beginning at a point located S 21°38'32" E a distance of 56.78 feet from the said Point of Beginning for the Proposed 50' Permanent Easement;

Thence, S 83°21'11" E a distance of 281.47 feet to a point in the division line between the lands of Douglas W. and Amelia Smith to the East and lands of George M. Sydlar, Sr., et ux, to the West;

Thence along said division line, S 06°15'11" W a distance of 50.00 feet to a point;

Thence through the lands of George M. Sydlar, Sr., et ux, N 83°21'11" W a distance of 281.82 feet to a point;

Thence, N 06°38'49" E a distance of 50.00 feet to the Point of Beginning containing 0.32 acre.

The 0.32 acre being part of the 0.38 acre total as shown on Sheet 1 "Area of Temporary Workspace".

DESCRIPTION FOR THE PROPOSED 10' TEMPORARY WORKSPACE

Beginning at a point located S 83°21'11" E a distance of 56.73 feet from the said Point of Beginning for the Proposed 50' Permanent Easement;

Thence, N 06°38'49" E a distance of 10.00 feet to a point;

Thence, S 83°21'11" E a distance of 251.24 feet to a point in the division line between the lands of Douglas W. and Amelia Smith to the East and lands of George M. Sydlar, Sr., et ux, to the West;

Thence along said division line, S 06°15'11" W a distance of 10.00 feet to a point;

Thence through the lands of George M. Sydlar, Sr., et ux, N 83°21'11" W a distance of 251.31 feet to the Point of Beginning containing 0.06 acre;

The 0.06 acre being part of the 0.38 acre total as shown on Sheet 1 "Area of Temporary Workspace".

DESCRIPTION FOR THE PROPOSED 50'x150' ADDITIONAL TEMPORARY WORKSPACE

Beginning at a point located S 08°24'53" E a distance of 103.56 feet from the said Point of Beginning for the Proposed 50' Permanent Easement;

Thence, S 83°21'11" E a distance of 150.00 feet to a point;


Thence, S 06°38'49" W a distance of 50.00 feet to a point;

Thence, N 83°21'11" W a distance of 150.00 feet to a point;

Thence, N 06°38'49" E a distance of 50.00 feet to the Point of Beginning containing 0.17 acre.

NYSPLS LIC. NO. 050820
DONALD P. SCHEER
MASER CONSULTING, P.C.

DATE: 10/3/14

DRAWING NO. 26-03-10/0001-77		REFERENCE TITLE ALIGNMENT SHEET		CONSTITUTION PIPELINE COMPANY, LLC PROPOSED 30" NATURAL GAS PIPELINE CROSSING PROPERTY OF GEORGE M. SYDLAR, Sr. and DENISE M. SYDLAR, husband and wife TOWN OF DAVENPORT - DELAWARE COUNTY, NEW YORK				 CONSTITUTION PIPELINE		
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6	09-30-14	GIE	REVISED - ISSUED FOR CONDEMNATION APPROVAL	1110415			APPROVED BY: OPS	DATE: 09-30-14	DRAWING NUMBER: 26-06-85/75.28-4-7	SHEET 4
7	10-01-14	GIE	APPROVED	1110415			WD: 1110415			OF 4